

THE STATE OF NEW HAMPSHIRE
BEFORE THE
PUBLIC UTILITIES COMMISSION

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE D/B/A
EVERSOURCE ENERGY

Docket No. DE 16-241

Petition for Approval of Gas Infrastructure Contract with Algonquin Gas Transmission, LLC

**OBJECTION TO PETITION TO INTERVENE OF CONSERVATION LAW
FOUNDATION**

Pursuant to New Hampshire Code of Administrative Rules Puc 203.07 and RSA chapter 541-A, Public Service Company of New Hampshire d/b/a Eversource Energy (“Eversource” or “Company”), hereby objects to the petition to intervene of Conservation Law Foundation (“CLF”). In its petition, CLF does not demonstrate that it meets the requirements for intervention under RSA chapter 541-A or the Commission’s rules, and its petition should, therefore, be denied. In support of its objection, Eversource states as follows:

1. On February 18, 2016, Eversource filed a petition and supporting testimony seeking Commission approval of a 20-year contract between Eversource and Algonquin Gas Transmission LLC whereby Eversource would purchase natural gas capacity on the Access Northeast pipeline. On April 11, 2016, CLF filed a petition to intervene in the docket. CLF, however, does not demonstrate that it meets the relevant standards for intervention and its petition should be denied.

2. Pursuant to RSA 541-A:32, I, the Commission “shall” grant a petition to intervene if the petitioner demonstrates that its “rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law.” Alternatively, pursuant to RSA 541-A:32, II, it “may” grant a petition if

“such intervention would be in the interests of justice and would not impair the orderly and prompt conduct of the proceedings.” CLF’s petition fails to demonstrate that it is entitled to intervene under either standard.

3. In its petition, CLF states that it has members in New Hampshire, and that among those members are Eversource customers. CLF does not, however, argue that it is representing the interests of those members on issues that would actually be presented to the Commission in this proceeding, nor does it indicate that it is authorized to do so. Rather, CLF argues that “Consistent with its mission to promote thriving, resilient communities, CLF is dedicated to advancing solutions that strengthen New England’s – and New Hampshire’s – environmental and economic vitality.” CLF Petition at ¶ 2. It further contends:

In the face of the threat of climate change, CLF and its members who reside in New Hampshire and elsewhere in the region have a substantial interest in ensuring that the record in this proceeding is fully developed to take into account state, regional, and federal policies intended to promote greenhouse gas reductions including the New Hampshire Climate Action Plan.

CLF Petition at ¶ 5. Accordingly, CLF frames its participation as being directed at representing the interests of its members on local, regional, and national environmental policy matters. Such matters are beyond the purview of this docket and are beyond the jurisdiction of the Commission. Accordingly, CLF does not demonstrate that it has any rights, duties or interests at stake, but only that it is interested in advancing environmental issues and concerns.

4. CLF also argues that “its intervention as a party in this proceeding is likely to elucidate important issues and facilitate an expeditious and just resolution of this proceeding, as a result of CLF’s special expertise and experience in energy policy, including gas and electric markets and greenhouse gas emission reduction policies and laws.” CLF Petition at ¶ 9. Not only does CLF not define or describe how its intervention is likely to elucidate issues that could

actually be raised and discussed in this docket, it also repeats its contention that the expertise it would offer in the docket arises from its knowledge and experience with environmental laws and policies. As a first matter, the Commission has recently stated that it believes “blanket statements” about having helpful information are inadequate, in themselves, to form the basis for intervention. *See* Transcript of November 30, 2015 Hearing in Docket No. DE 15-068 at 7.

Secondly, the Commission is not an environmental regulator and is, therefore, not the appropriate venue for discussions on, or decisions regarding, environmental law or policy.¹

Lastly, CLF’s focus on environmental issues, as repeatedly emphasized in its petition, indicates that it would likely seek to pursue arguments and issues beyond the scope of the docket or the Commission’s authority. Having to address such issues would likely hinder or delay the proceeding and provide no meaningful insights or information for the Commission to consider.

4. Eversource submits that CLF has not demonstrated that it has any rights, duties, privileges, immunities or other substantial interests at stake, nor that its intervention would be in the interests of justice. Accordingly, CLF’s intervention is not justified in this docket and should be denied.


¹ Additionally, as the Commission recently recognized in addressing requests for intervention on the basis of an interest in some policy concern, “all Commission rulings regarding such petitions implicate matters of policy of some interest” to some party, and allowing interventions on the basis of such policy concern would “result in unwarranted administrative burden.” *Liberty Utilities (EnergyNorth Natural Gas) Corp. d/b/a Liberty Utilities*, Order No. 25,864 (February 4, 2016) at 3-4; *see also, PNE Energy Supply, LLC, et al. v. PSNH d/b/a Eversource Energy*, Order No. 25,881 (April 8, 2016) at 4 (stating that “generalized concerns and generic interests” did not warrant intervention).

WHEREFORE, Eversource respectfully requests that the Commission:

- A. Deny CLF's Petition to Intervene; and
- B. Order such further relief as may be just and reasonable.

Respectfully submitted this 13th day of April, 2016.

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE d/b/a EVERSOURCE ENERGY


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CERTIFICATE OF SERVICE

I hereby certify that, on the date written below, I caused the attached to be served pursuant to N.H. Code Admin. Rule Puc 203.11.

April 13, 2016
Date



Matthew J. Fossum